

United States District Court **FILED**

In The DISTRICT OF New Mexico UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

**In the Matter of the Search of**  
(Name, address or brief description of person, property or premises to be searched)

JUL 17 2015

2015 White Buick Four-Door Sedan,  
New Mexico License Plate Number 755TCA,  
VIN 1G4PP5SK6F4154487

**MATTHEW J. DYKMAN  
CLERK**

**APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT**

CASE NUMBER: 15-MR-439

| **Lance Roundy** being duly sworn depose and say:

I am a(n) Special Agent of the FBI and have reason to believe

that on the person of (name, description and/or location)

in the \_\_\_\_\_ District of New Mexico  
there is now concealed a certain person or property, namely (describe the person or property to be seized)  
bullets, fragments, or other related items, as well as trajectory analysis information to determine path of trajectories before  
and after impact.

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

**Property that constitutes fruits, evidence, and instrumentalities of crimes against the United States,**

concerning a violation of Title 18 United States code, Section(s) 113(a)(3) and (6), 924(c), and 1153. The facts to support a finding of Probable Cause are as follows:

**See Attached Affidavit hereby incorporated by reference as if fully restated herein.**

Continued on the attached sheet and made a part hereof.

X: Yes,      : No

**Signature of Affiant  
Lance Roundy  
Special Agent  
Federal Bureau of Investigation**

Sworn to before me, and subscribed in my presence

July 17, 2015

Date **B. Paul Briones, US Magistrate Judge**

Name and Title of Judicial Officer

at Earmington, NM  
City and State  
*B. Paul Briones*  
Signature of Judicial Officer



PS/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico )  
County of San Juan )

AFFIDAVIT

I, Lance Roundy being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since September 2008. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes such as robbery, aggravated assaults, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by the Affiant, Criminal Investigator (CI) Malcolm Leslie of the Navajo Nation Department of Criminal Investigations as well as other law enforcement officers of the Navajo Nation and the New Mexico State Police (referred to herein as the "Investigating Agencies").
3. On July 2, 2015 CI Leslie notified the FBI of a shooting that occurred the previous night, July 1, 2015, just south of the Huerfano Chapter House on the Navajo Indian Reservation in New Mexico. CI Leslie advised that the victim, John Doe, was transported to the San Juan Regional Medical Center ("SJRMC") in Farmington, New Mexico and was being treated for a gunshot wound to the lower back. The Affiant confirmed that the victim was indeed transported to the SJRMC where he underwent surgery to further diagnose the injuries sustained as a result of the shooting. The Affiant further learned that doctors removed one of John Doe's kidneys due to the extensive damage from the bullet wound, and remained in the critical care unit at SJRMC for an extended period of time.
4. Prior to being transported to the SJRMC on July 1, 2015, the Investigating Agencies found John Doe at the scene of the crime sitting in the rear driver's side seat of a 2015 Buick four-door sedan

bearing New Mexico 755TCA, vehicle identification number (VIN) 1G4PP5SK6F4154487 (referred to herein as the "Target Vehicle"). Witnesses to the shooting recounted that John Doe, along with three other individuals, were lighting fireworks in an open area of the Navajo Indian Reservation when they were approached by individuals in a white or tan-colored Sport Utility Vehicle (SUV). John Doe and the others were inside of the Target Vehicle as the SUV approached and one of the occupants yelled, "FBI, Police, let me see your hands," which was directed at John Doe and occupants of the Target Vehicle. Witnesses stated that one of the occupants of the SUV fired multiple rounds from a firearm, and immediately after the shots were heard, John Doe realized that he had been shot. John Doe was in the driver's seat of the Target Vehicle at the time of the shooting and upon realizing he was shot, exited the Target Vehicle and subsequently entered the rear driver's side seat of the same vehicle.

5. Witnesses stated that the voice coming from the SUV was that of Bradley Todacheene, (referred to herein as "Todacheene"), and that Todacheene had an ongoing feud with one of the witnesses over control of land in the nearby area. The Investigating Agencies interviewed OT, the brother of Todacheene, who stated that Todacheene told him (OT) on the night of July 1, 2015, that Todacheene was involved in a shooting, and that Todacheene threw the weapon, an AR 15 rifle, in the bushes following the shooting to avoid law enforcement detection. OT confessed to owning an AR 15 rifle, which firearm shoots a .223 caliber bullet.

6. The Investigating Agencies found five spent casings for a .223 caliber rifle located a short distance from the Target Vehicle at the scene of the crime. The spent casings were located near the same area where the witnesses heard voices and subsequent gunshots coming from the SUV. The Target Vehicle was seized by the Investigating Agencies and subsequently transported to a secured facility in Farmington, New Mexico.

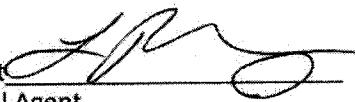
7. The Target Vehicle had two holes on the outside, consistent in appearance with bullet holes, in the rear trunk of the Target Vehicle, as well as one hole protruding through the middle of the rear passenger seat and another single hole protruding through the driver's seat. Blood was observed in the driver's seat, and on the rear driver's side passenger seat of the Target Vehicle. Medical Personnel with the SJRMC confirmed that John Doe's injury to his lower back was consistent with a gunshot wound, and

that no other exterior wounds were present upon arrival at the SJRMC. The Investigating Agencies have not been able to interview or speak to John Doe due to the critical nature of his injuries.

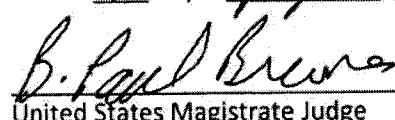
8. Based on the information provided in this affidavit, your affiant believes that evidence of a crime, namely a bullet, or fragments thereof, is located inside of the Target Vehicle, a 2015 white Buick four-door sedan bearing New Mexico license plate number 755TCA, VIN 1G4PP5SK6F4154487. Such evidence will allow the Investigating Agencies to conduct ballistic examinations to determine the origin of the bullet, and whether the bullet was fired from a particular weapon. Additionally, the Investigating Agencies believe that further trajectory analysis, which information is contained within and on the outside of the Target Vehicle, will assist the Investigating Agencies in gathering evidence of the crime.

9. The incident under investigation occurred within the exterior boundaries of the Navajo Indian Reservation and both John Doe and Bradley Todacheene are Native Americans. Based upon the information received thus far, there is probable cause to believe there has been a violation of Title 18, United States Code, Section 113(a)(3), assault with a dangerous weapon, and (6), assault resulting in serious bodily injury; Section 924(c), use of a firearm during and in relation to a crime of violence; and Section 1153, offenses committed within Indian Country.

10. I swear that this information is true and correct to the best of my knowledge and belief.

Affiant   
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me  
on this 17 day of July, 2015.

  
United States Magistrate Judge

